

Form PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/EP2004/002483

INTERNATIONAL FILING DATE

March 11, 2004

EXPRESS MAIL LABEL NO.:

ATTORNEY'S DOCKET NUMBER: **08146.0011U1**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/551,306

PRIORITY DATE CLAIMED

March 28, 2003 and October 28, 2003

TITLE OF INVENTION:

FRUIT GUM COMPOSITIONAPPLICANT(S) FOR DO/EO/US: **SCHYMURA, Martin**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ Is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 and IDS Reference Listing of References A1 – A14 and copies of References A6 – A14.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other Items or Information: **Response to Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)**

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


 Sumner C. Rosenberg

 6/2/06
 Date

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2004/002483		ATTORNEY DOCKET NUMBER 08146.0011U1	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee \$300.00				\$ 0.00	
22. <input checked="" type="checkbox"/> Examination fee					
If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00				\$ 200.00	
All other situations \$200.00					
23. <input checked="" type="checkbox"/> Search Fee					
If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00				\$ 400.00	
If Search fee (37 CFR 1.445(a)(2) in International Application to USPTO as ISA \$100.00					
ISR prepared by an ISA other than the US and provided to USPTO \$400.00					
All other situations \$500.00					
TOTAL OF 21, 22 AND 23 =				\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100	/ 50 =		X \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	[15] - 20 =	0	X \$50.00	\$ 0.00	
Independent claims	[2] - 3 =	0	X \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 730.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2				-	\$ 365.00
SUBTOTAL =				\$ 365.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 months <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 130.00	
TOTAL NATIONAL FEE =				\$ 495.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 495.00	
				Amount to be refunded:	\$
				charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 14-0629 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0629. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>e. <input checked="" type="checkbox"/> Pursuant to 37 C.F.R. §1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL TO THE ADDRESS ASSOCIATED WITH: : Customer No. 23859</p>					
06/08/2006 MKAYPAH 00000096 10551306		<p>SIGNATURE _____ Sumner C. Rosenberg NAME 28.753 REGISTRATION NUMBER</p>			
01 FC:2633	100.00 OP				
02 FC:2642	200.00 OP				
03 FC:2617	65.00 OP				
04 FC:1618	130.00 OP				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
SCHYMURA, Martin)	Art Unit: unassigned
)	
Application No. 10/551,306)	Examiner: unassigned
International Application)	
No. PCT/EP2004/002483)	
)	
International Filing Date: March 11, 2004)	Confirmation No. 6442
)	
For: FRUIT GUM COMPOSITION)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

In response to the Notification of Missing Requirements mailed May 3, 2006 in the above-referenced patent application, enclosed are:

1. an executed Declaration and Power of Attorney;
2. English translation of PCT/EP2004/002483 including drawings with English labels and indicators;
3. a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

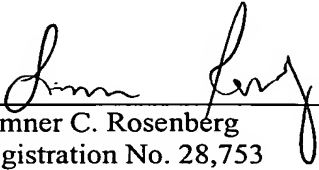
A Credit Card Payment Form PTO-2038 is enclosed authorizing payment in the amount of \$495.00 for a small entity, representing \$100 examination fee, \$200 search fee, \$65 surcharge for late filing of the Declaration; and \$130 surcharge for late filing of the English translation of the application. This amount is believed to be correct; however, the

ATTORNEY DOCKET NO. 08146.0011U1
Application No. 10/551,306
International Application No. PCT/EP2004/002483

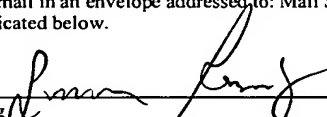
Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.


Sumner C. Rosenberg
Registration No. 28,753

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

<u>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</u>	
<small>I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.</small>	
 Sumner C. Rosenberg	6/2/06 Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,306	Martin SCHYMURA	08146.0011U1

INTERNATIONAL APPLICATION NO.
PCT/EP04/02483

I.A. FILING DATE	PRIORITY DATE
03/11/2004	03/28/2003

23859
 NEEDLE & ROSENBERG, P.C.
 SUITE 1000
 999 PEACHTREE STREET
 ATLANTA, GA 30309-3915

CONFIRMATION NO. 6442

371 FORMALITIES LETTER



OC000000018671828

Date Mailed: 05/03/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/28/2005
- Copy of the International Search Report filed on 09/28/2005
- U.S. Basic National Fees filed on 09/28/2005
- Priority Documents filed on 09/28/2005

SKR/MSK

DOCKETED

By *SKR* Date *5-11-06*

Reviewed *19C 5.12.06*

Name/Date

Scanned

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

MAY 09 2006

NEEDLE & ROSENBERG

Total additional fees required for this application is \$495 for a Small Entity:

- \$65 Surcharge.
- \$130 for English translation surcharge required.
- The application search fee has not been paid. Applicant must submit \$200 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit \$100 to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,306	PCT/EP04/02483	08146.0011U1